Tentative Tulare Lake Basin Area Waste Discharge Requirements (WDRs)

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Presentation Overview

- Goals/Introduction
- Scope of Coverage
- Overview of WDRs and MRP including revisions
- Costs
- Summary of Comments
- Possible Changes
- Next Steps

What Are WE Trying to Accomplish?

WE = Water Board, Agriculture, Stakeholders

- Protect water quality for current and future generations
- Ensure any new requirements are consistent with sustaining agriculture in the Central Valley
- Learn and adapt as we move forward

Tentative Order

- Tentative Order Issued on March 15, 2013
- Comments Due by April 15, 2013
- Request to Suspend Work

PEIR ISSUES

- Tentative ruling on Program Environmental Impact Report
- Changes to tentative Order may be necessary
- Building on progress made so far
- Outcome of tentative Order is not predetermined

Two Types of Changes

- Programmatic changes to provide a level playing field between third-party areas
- Tulare Lake Basin Area and Stakeholder specific changes

General Order for the Tulare Lake Basin Area

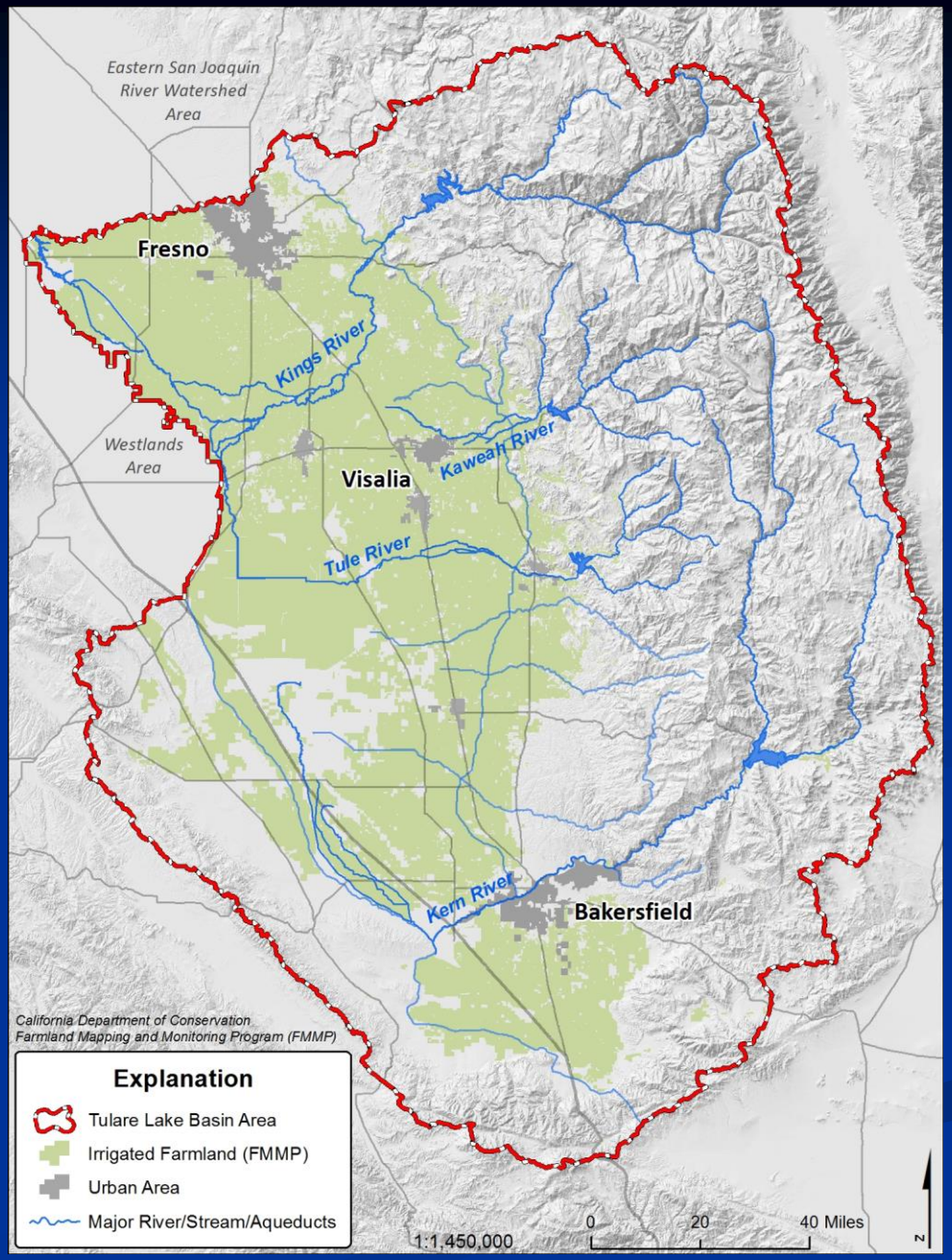
- Scope of coverage:
  - Discharges of waste from irrigated lands to waters of the State
  - All irrigated agricultural operations within the Tulare Lake Basin Area– including managed wetlands and nurseries
  - Multiple third parties allowed

Tulare Lake Basin Area:

~ 2.9 million acres of irrigated lands

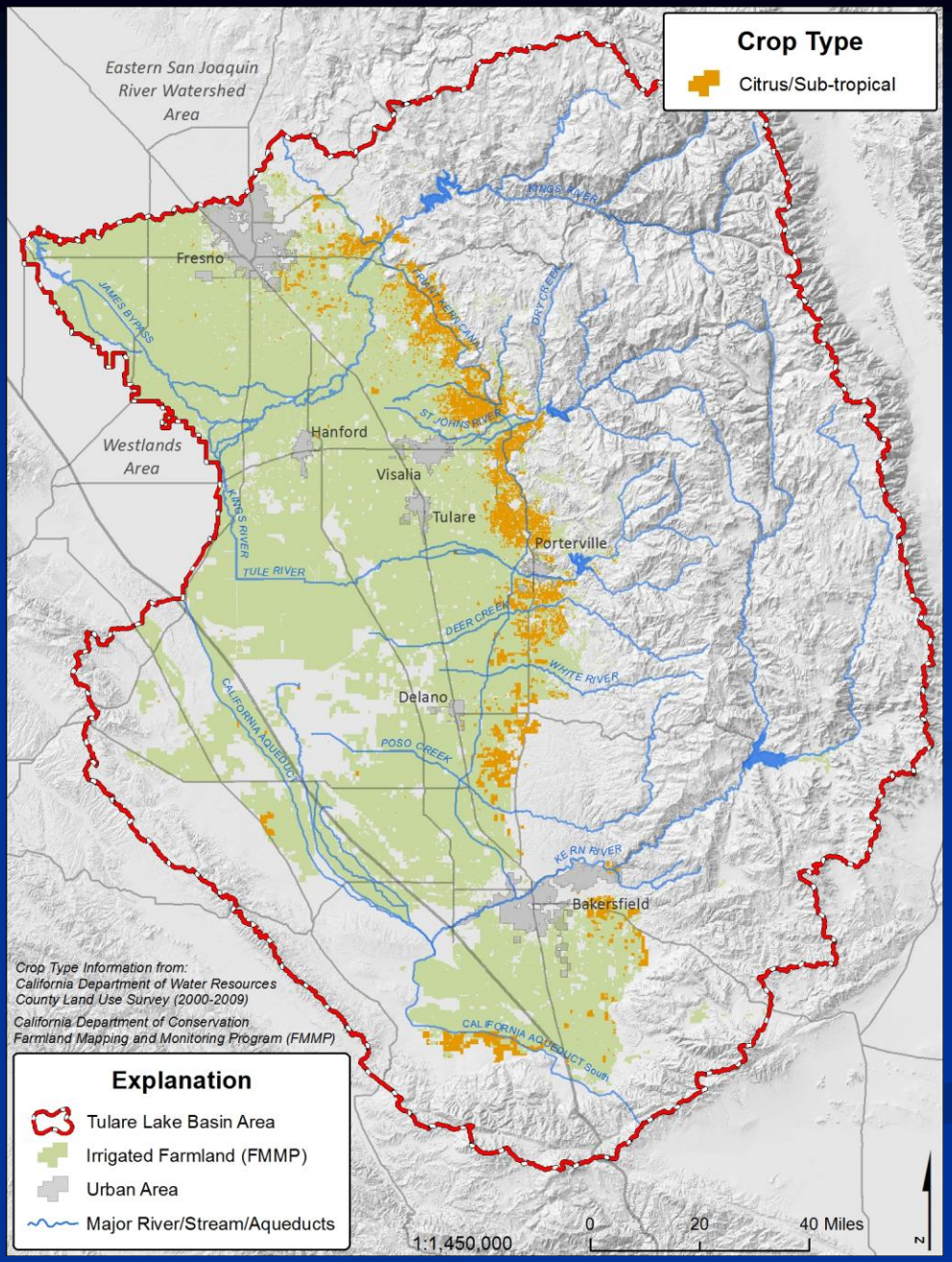
~ 350,000 acres covered under the Dairy General Order

Diverse crops grown in the TLBA



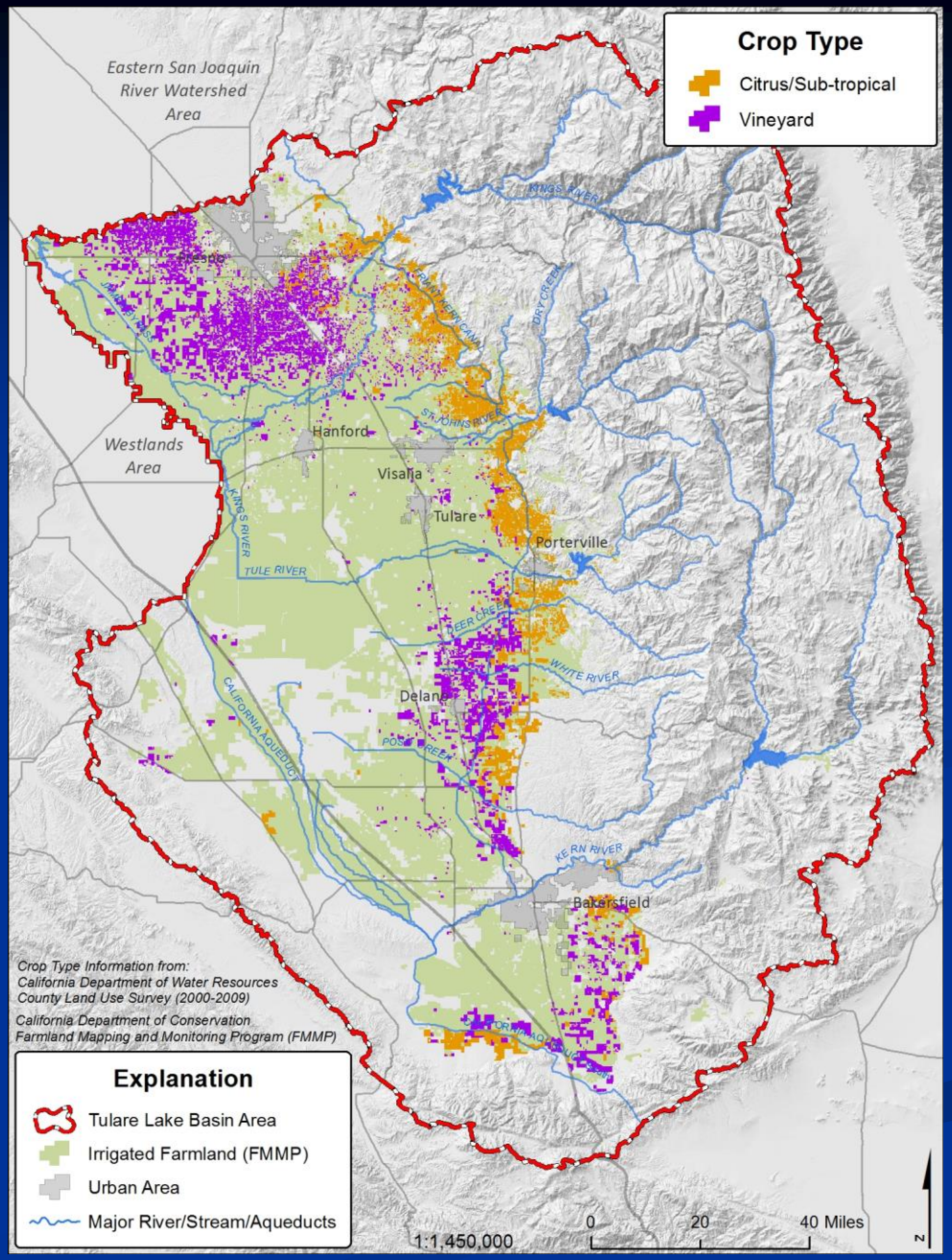
Tulare Lake Basin Area Major Crops

Citrus and Subtropical – Grapefruit, Lemons, Oranges, Olives



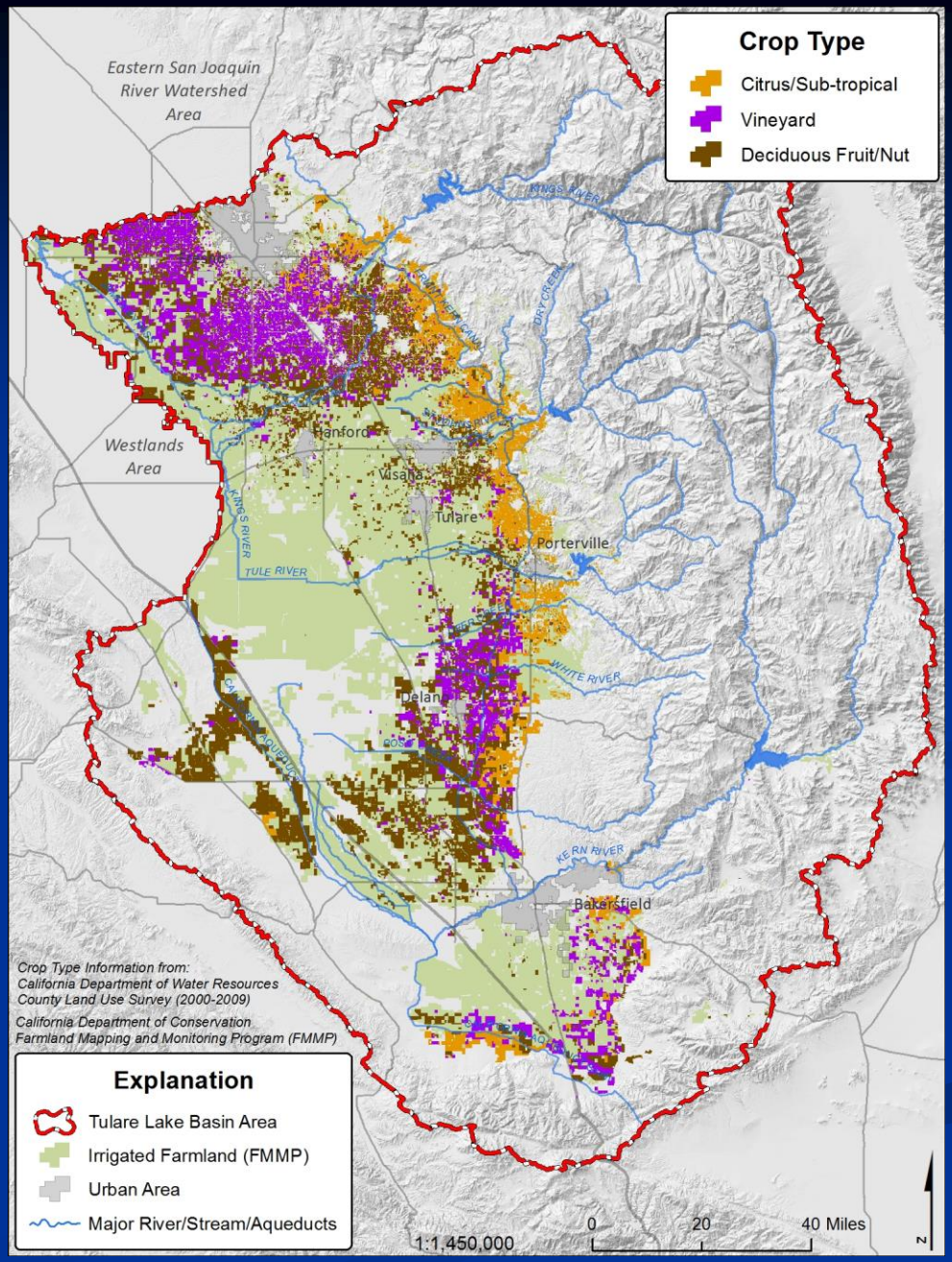
Tulare Lake Basin Area Major Crops

Grapes – table, wine, and raisin



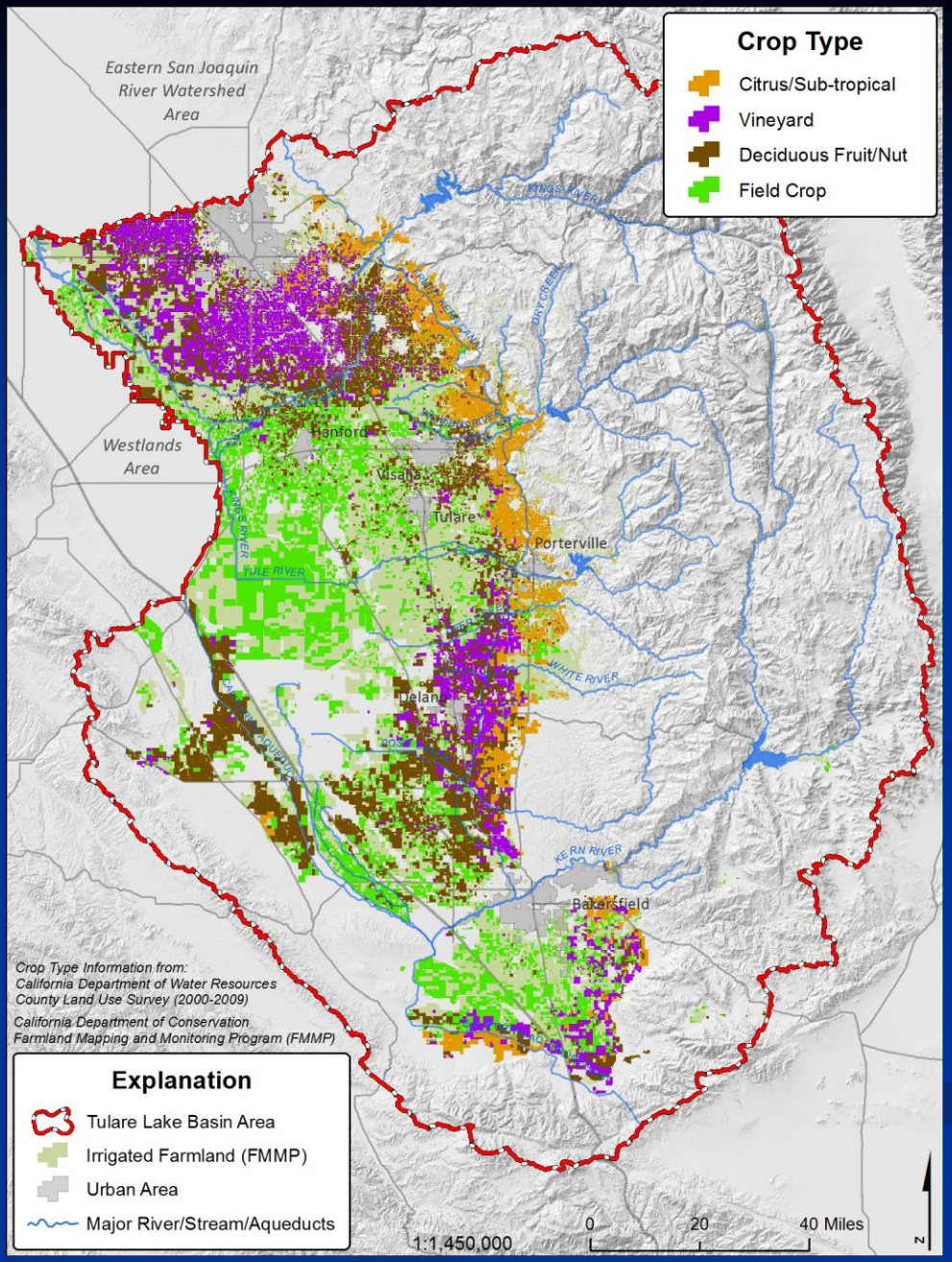
Tulare Lake Basin Area Major Crops

Fruit and Nut Crops – Apricots, Peaches, Nectarines, Pears, Plums, Almonds, Walnuts, Pistachios



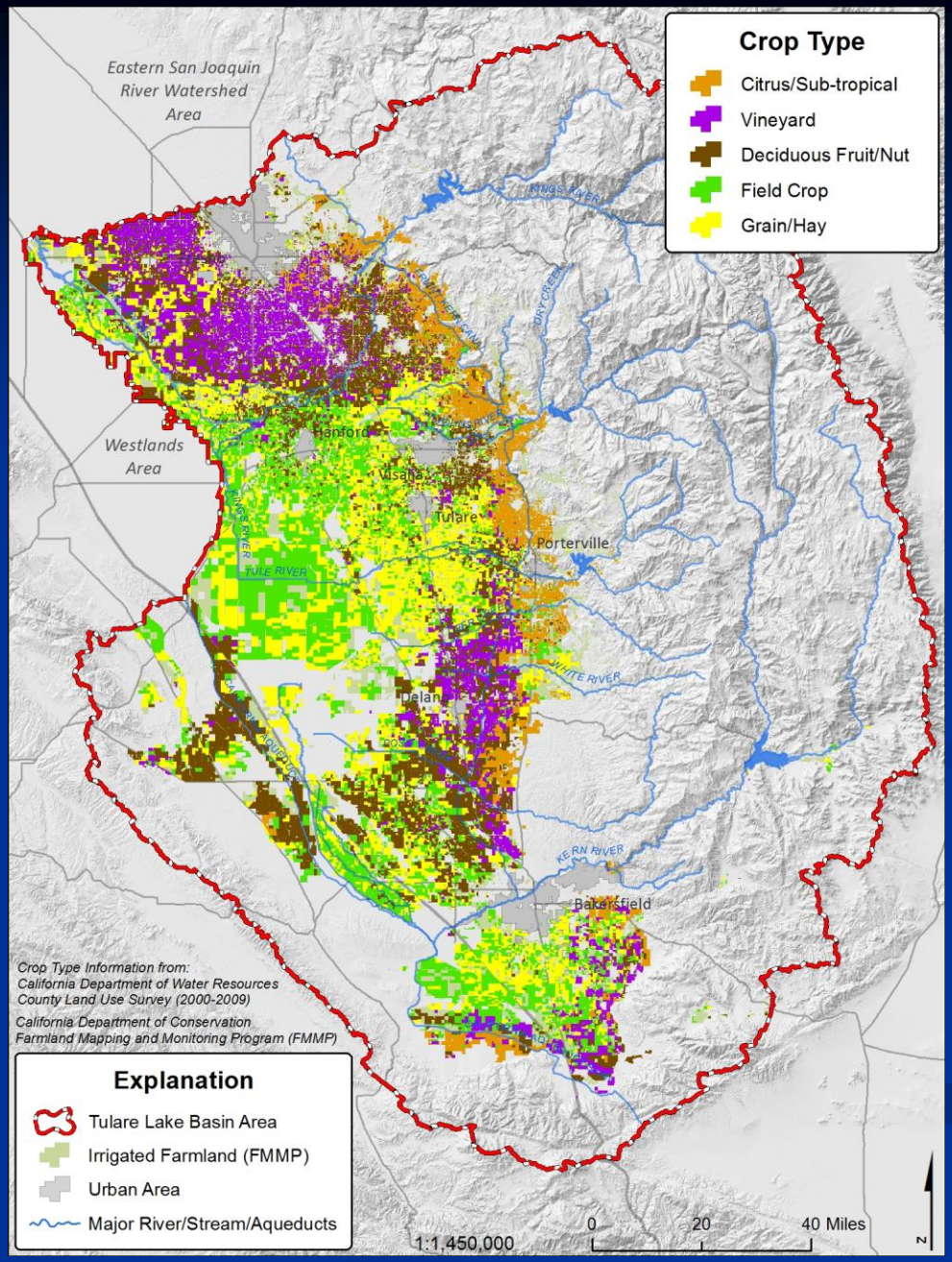
Tulare Lake Basin Area Major Crops

Field Crops – Carrots, Cotton, Corn, Beans,



Tulare Lake Basin Area Major Crops

Forage – Hay & Grain, Alfalfa



Tentative Tulare Lake Basin WDRs

- Prohibitions
- Receiving Water Limitations
- Member and Third Party application requirements

Third Party Requirements

Report	Due Date	
Surface Water Monitoring Plan	180 days after Notice of Applicability (NOA)	
Sediment Discharge and Erosion Assessment Report (SDEAR)	1 year from issuance of NOA	
Groundwater Quality Assessment Report (GQAR)	1 year from issuance of NOA	
Management Practices Evaluation Workplan	Group option	2 years from GQAR approval
	Third-party only option	1 year from GQAR approval
Groundwater Quality Trend Monitoring Workplan	1 year from GQAR approval	

Member Requirements

Report	Vulnerability	Farm Size	Due Date
Farm Evaluations	High	All	1 March 2015
	Low	Large (≥60 ac)	1 March 2016
		Small (<60 ac)	1 March 2018
Sediment and Erosion Control Plans	All farms identified in the SDEAR	Large	180 days from approval of SDEAR
		Small	1 year from approval of SDEAR
Nitrogen Management Plans	High	Large	1 March 2015
		Small	1 March 2017
	Low	All	1 March 2017

Other Revisions
Draft to Tentative Order

- Regional Board Staff inspections
- Certification of ponds requirements modified
- Templates
- Additional 30 days for Members to sign up with a third party

Tentative Tulare Lake Basin MRP Surface Water Program

- Surface Water Monitoring Plan
  - Addition of Ephemeral Monitoring
  - Revise Assessment and Core Monitoring periods
- Two detections above trigger limit requires Surface Water Management Plan

Tentative Tulare Lake Basin MRP Groundwater Program

- Groundwater Quality Assessment Report
- Management Practices Evaluation Program
  - Management Practice Evaluation Workplan
  - Management Practices Evaluation Program Reporting
- Groundwater Trend Monitoring Plan
- Annual Groundwater Monitoring Report

Cost Estimate

- Costs -annualized averages to allow for direct comparison
- Highest portion of cost – improved management practices
- Existing conditions –
  - Where do practices need to be implemented to address problems?
  - How many growers need to implement practices?

Cost Estimate
Administration & Monitoring

State fees, third-party management, water quality monitoring, tracking, plans/reports, reporting

	Tulare order
Annual average per acre	3.29

Cost Estimate Management Practices

Estimate of individual grower average annual per acre costs

	Annual average per acre
Mgmt practices	15.87
Farm planning	0.29

Costs are based on estimate of what growers may do in response to program, not fees

Cost Estimate
Management Practices

Practices estimated based on water quality concerns, average annual cost

	Annual average per acre
Mgmt practices	***15.87***
Farm planning	0.29

Types of practices: nutrient mgmt, irrigation water mgmt, pressurized irrigation, tailwater return, cover crop, buffer strip, abandoned well protection

Cost Estimate Management Practices

Practices estimated based on water quality concerns, average annual cost

	Annual average per acre
Mgmt practices	15.87
Farm planning	***0.29***

Farm planning – farm evaluation, nitrogen mgmt template, sediment and erosion template

Cost Estimate Management Practices

- Example: costs of nutrient management $5 - $9 per acre – where needed
- Existing condition estimated
  - e.g., estimate 90% vineyards already implement nutrient management

Cost Estimate

Estimated average annual cost per acre: individual costs will vary depending on the existing level of mgmt practices

	Tulare order
Admin/monitoring	3.29
Mgmt practices	15.87
Farm planning	0.29
Total	**19.45**

Summary of Comments Received

- Comment Period ended 15 April 2013
- 76 Comment letters received
- Responses to comments are being prepared
- Preliminary Responses to comments from regulated community and other stakeholders

Summary of Comments from Regulated Community

- Violates Anti-degradation Policy or other laws, oversteps regulatory authority

RESPONSE

- The Board has authority to regulate discharges with the potential to degrade or pollute waters of the State.
- Agricultural discharges may contain wastes that have the potential to degrade water quality

Summary of Comments from Regulated Community

- Unreasonable/ineffective approach
- Monitoring and reporting requirements excessive
- Cost of requirements is excessive

RESPONSE

- Approach developed after stakeholder input
- Requirements address Anti deg policy and are flexible

Summary of Comments from Regulated Community

- Current practices not impacting water quality

RESPONSE

- Current practices are likely impacting water quality in some places and conditions

- Water quality problems detected are legacy issues

RESPONSE

- Management practices need to be examined to determine whether they are protective of water quality

Summary of Comments from Regulated Community

- The tentative Order is inappropriate for certain hydrologic conditions, certain areas and waterways should be exempt

RESPONSE

- The tentative Order does not address water in furrows or small inter-farm ditches
- Lands without potential to discharge are exempt

Kern River Watershed Coalition Comment No. 1

Unique hydrologic conditions make the General Order unnecessarily costly and ineffective

RESPONSE

- Constituents in leaching fraction have the potential to impact water quality
- Current problems not entirely from historical activity
- Tentative Order implements Antidegradation policy and Water Code requirements

Kern River Watershed Coalition Comment No. 2

The Nitrogen Hazard Index is a more effective tool to characterize parcels of land within the Kern sub basin

RESPONSE

- The ILRP addresses more Constituents of Concern than Nitrate
- The NHI may be useful in conjunction with other sources of information
- Tentative Order is flexible enough to allow use of the NHI in determining vulnerability

Kern River Watershed Coalition Comment No. 3

- Exempt certain lands from the regulation

RESPONSE

- NHI is a relative measure
- Lands that have no potential to impact surface or groundwater do not need coverage under the ILRP
- Basin Planning through CV-SALTS may remove inappropriately applied beneficial use

Kern River Watershed Coalition Comment No. 4

- Conduct trend monitoring through currently monitored wells

RESPONSE

- Use of existing monitoring programs encouraged
- Trend Monitoring must meet the goals of the Trend Monitoring Program

Summary of Comments from other Stakeholders

- Violates Anti-degradation Policy, not meeting regulatory responsibilities

RESPONSE

- Tentative Order implements the Antidegradation Policy and protects high quality waters

Summary of Comments from other Stakeholders

- Insufficient monitoring and reporting to support an enforceable regulatory structure

RESPONSE

- Monitoring program is flexible and focused on High Vulnerability groundwater areas
- Reporting in summaries, but details may be requested if needed
- All enforcement capabilities are available

Summary of Comments from other Stakeholders

- Disproportionately impacts disadvantaged communities

RESPONSE

- The ILRP and tentative Order will result in better water quality for all over time, but need to start now

- Needs and education and outreach program

RESPONSE

- Education and outreach is a required part of any Surface Water or Groundwater Management Plan

Possible Revisions based on Comments

- Inclusion of a Table summarizing requirements and report due dates in the tentative WDR and MRP
- Add increased flexibility to monitoring requirements in High Vulnerability groundwater areas where a Basin Plan amendment is being pursued

Next Steps

- Address Court Decision
- Make Necessary Revisions
- Possibly Recirculate
- Written Responses to Comments
- Consider for Adoption by Board

Questions ?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REGIONAL WATER QUALITY CONTROL BOARD